

REMARKS/ARGUMENTS**1. Claim Amendments**

The Applicant has amended claim 9. Applicant respectfully submits no new matter has been added. Accordingly, claims 9-26 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2. Claim Rejections – 35 U.S.C. § 103 (a)

Claims 9-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ruska Tauno (US 6,584,330 B1) in view of Martin W. Greenwood (GB 2,281,458 A). Applicant has amended claim 9 to better distinguish the invention from the cited references. In order to better explain (i) how the cited references do not disclose the present invention, and (ii) that the cited references would not have suggested the present invention to one skilled in the art at the time the present invention was made, the following background information is provided.

At the time the present invention was made, base station power control was determined solely by reference to providing a maximum amount required for handling a certain amount of traffic or base stations were switched down to handle less traffic in the case of power failure or reduction in the available power. The latter is illustrated with base stations powered at a higher level with solar cells during the day and batteries at night. The cited references each operate in one of the foregoing contexts. Neither of the cited references, alone or in combination, cite or are suggestive of, an apparatus adapted to maintain an optimal power at all times.

Greenwood is an example where the apparatus is switched down to handle less traffic in the case of power failure or reduction in the available power. In Greenwood, if the then current capacity of power is not enough to power the entire apparatus, elements are switched off until power consumption is in line with available power. The power controller of Greenwood uses only one category input, that being failure type signals that provide an indication of the maximum available power.

Ruska, on the other hand, is an example of base station power control is determined solely by reference to providing a maximum amount required for handling a certain amount of traffic. If part of the apparatus is not needed to handle a then current traffic load, it is switched off. Ruska uses a power controller system having two (2) inputs: (1) a measurement of the, then current power consumption of the entire apparatus; and (2) a measurement of the, then, current traffic load. The regulator of Ruska performs statistical functions with reference to a database so that the traffic load and actual power consumption can be subject to statistical analysis. The statistical analysis is required so as to estimate the needed power based on traffic level. The primary purpose of the statistical analysis is to determine the power to traffic load relation.

The present invention uses a regulator with an additional input. In contrast to Ruska and Greenwood, the additional input of the present invention identifies energy reserve levels (battery loading status, fuel level in the fuel tank, etc.) for the power controller. This additional information input, not found in Ruska nor Greenwood, provides a power budget parameter that may be used by the apparatus. This power budget can be lower than currently maximum available power as determined by the apparatus of Greenwood and lower/higher than the desired power level determined by the apparatus of Ruska for handling a certain amount of traffic. More specifically, the additional input limits power consumption by the apparatus of the present invention so as to conserve energy for later use so as to maintain optimal functioning of the apparatus.

The combination of Ruska and Greenwood fail to perform the functions of the present invention. The power consumption of the combined invention is limited to the, then current, statistically determined, traffic load and the, then, current maximum available power to the apparatus. The combination cannot achieve the effect that the power consumption is lowered below both thresholds in certain circumstances per the present invention. Hence, the present invention is able to conserve energy in a controlled way so to assure that the apparatus functions during a longer period of time.

To summarize: Ruska is a means of controlling the traffic handlers based on a statistically determined traffic load. It is not capable of switching below that in order to

conserve energy. Ruska's fails to take into account a power budget based on the maximum available power.

The element of the present invention not disclosed or suggested by Ruska is as follows:

a control means adapted to receive input information on a power criterion so as to determine a power budget for the plurality of power supply units and plurality of traffic handling units based on the power criterion wherein the power budget is less than the power required for maximum traffic handling of all the traffic handling units and less than the maximum available power from all the power supply units...

Greenwood fails to overcome the deficiency of Ruska. The combination of Ruska and Greenwood into a single system would not solve the problem of conserving energy for use of the apparatus over a long period of time. Ruska is similar to the solar/battery power combination in that the power required for handling traffic during day time does not leave enough power to fully charge the batteries for full traffic handling at night. Combining the foregoing with Greenwood, then in operation during the night, the apparatus would switch down the apparatus as the batteries become fully discharged.

In contrast, the present invention is operable to adjust power slightly during the day to limit the amount of traffic so that the apparatus is fully functional overnight. Further, in regard to the use with a fueled generator, the combination of Ruska and Greenwood would provide an apparatus that is adapted to handle a statistically determined traffic load until the fuel tank is empty. In contrast, based on the power budget input of the present invention, traffic handling would be adjusted to handle less activity so that the apparatus remains functional until a planned refueling.

Manifestly, if none of the references teach a claimed feature, as shown by addressing the references individually, then the combination of references will also not contain the claimed feature. *Ex Parte Orlofsky*, page 9, BPAI (2002)

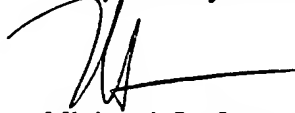
Claims 10-26 depend from amended claim 9 and recite further limitations in combination with the novel elements of claim 9. Therefore, the allowance of claims 9-26 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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